

REMARKS

By this Reply, claims 1 and 2 have been amended and new claims 15-21 have been added. Accordingly, claims 1-13 and 15-21 are pending in this application. The new claims are fully supported by the application as originally filed, and no new matter has been introduced by this Reply.

In the outstanding Office Action, claims 1, 7, and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,366,036 to Perry; claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Perry in view of U.S. Patent No. 6,065,560 to Palmeri et al. (“Palmeri”); claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Perry in view of U.S. Patent No. 4,478,308 to Klaassen; claims 1-3 and 6-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,617,929 to Richardson et al. (“Richardson”) in view of Palmeri; claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Richardson in view of Palmeri and further in view of Klaassen; claims 4 and 5 were objected to as being dependent upon a rejected base claim; and claims 12 and 13 were allowed. Applicant gratefully acknowledges the indication of allowable subject matter.

Independent claim 1 has been amended to recite a device configured to control select functions of a machine including a seat and an armrest, the device including “an interface module having a connecting portion and a working portion, said interface module connecting portion being configured to be pivotally connected directly to said at least one armrest associated with the seat in the machine and adapted to shift said working portion laterally between a retracted position and an extended position relative

to said at least one armrest such that, in said retracted position, said interface module working portion is at least partially concealed by said at least one armrest."

Regarding the rejection of independent claim 1, the cited references do not disclose or suggest, among other things, "said interface module connecting portion being configured to be pivotally connected directly to said at least one armrest... such that, in said retracted position, said interface module working portion is at least partially concealed by said at least one armrest," as recited in the claim.

Perry discloses a wheelchair 20 including an armrest 216, which includes a linkage segment 226 that "pivots in a horizontal motion to the side of the wheelchair 20" (Perry, col. 9, ll. 29-31, and Fig. 8). The linkage segment 226 includes two parallel bars 236 that connect pivot points 224 on a mounting pad 234 connected to the armrest 216 to pivot points 238 on a control station 54 (Perry, col. 9, ll. 34-43, and Fig. 8). The control station 54 includes switches, e.g., an electric horn switch 242, a chair power on/off switch 244, and speed control switches 246, 248 (Perry, col. 9, l. 63, to col. 10, l. 1, and Fig. 10).

Perry does not disclose or suggest, however, "said interface module connecting portion being configured to be pivotally connected directly to said at least one armrest... such that, in said retracted position, said interface module working portion is at least partially concealed by said at least one armrest," as set forth in independent claim 1. Perry's control station 54 may pivot with respect to the armrest 216, as shown in Fig. 8, but Perry does not disclose or suggest that the control station 54 may be at least partially concealed by the armrest 216.

Richardson and Palmeri also do not disclose or suggest the features of claim 1 described above. Richardson discloses a gear shift console assembly 10 that is pivotally mounted to a side of a seat 12 in a vehicle 16 and that includes a gear shift lever 42 (Richardson, col. 2, ll. 46-51, col. 3, ll. 46-47, and Fig. 1). The gear shift console assembly 10 includes pivot arms 28, 30 that attach to a seat portion 24 (Richardson, col. 3, ll. 36-40, and Fig. 1). However, Richardson does not disclose or suggest an armrest associated with the seat 12.

Palmeri discloses an armrest 32 associated with a vehicle seat (Palmeri, col. 2, ll. 2-3). An input shift module 20 is pivotally mounted to the seat using a mount bar 34 and has an upper platform 28 at an approximately equal vertical location as the armrest 32 (Palmeri, col. 2, ll. 1-6). The Office Action contends that it would be obvious to modify Richardson's seat to include Palmeri's armrest. Richardson and Palmeri, however, do not disclose or suggest "said interface module connecting portion being configured to be pivotally connected directly to said at least one armrest... such that, in said retracted position, said interface module working portion is at least partially concealed by said at least one armrest," as set forth in independent claim 1.

First, Richardson teaches that the pivot arms 28, 30 of the gear shift console assembly 10 are directly connected to the side of the seat 12, not to an armrest. Therefore, Richardson's gear shift console assembly 10 is not "configured to be pivotally connected directly to said at least one armrest," as set forth in claim 1. Furthermore, Palmeri does not disclose or suggest pivotally connecting any device directly to the armrest 32, and therefore also does not disclose or suggest an interface

module connecting portion being configured to be pivotally connected directly to the armrest 32.

Second, the Office Action contends the gear shift lever 42 is an interface module working portion (¶ 4, p. 4, Office Action dated February 5, 2007). The gear shift lever 42 is “movable between a plurality of selected positions to selectively control the transmission” (Palmeri, col. 3, ll. 51-53, and Fig. 1). However, even if Richardson’s gear shift console assembly 10 were directly connected to an armrest, the gear shift lever 42 would not be “at least partially concealed by said at least one armrest,” as set forth in claim 1. Palmeri also does not disclose or suggest at least partially concealing an interface module working portion.

Thus, Perry, Richardson, and Palmeri fail to disclose or suggest, either alone or in view of each other, at least the limitations discussed above with respect to independent claim 1. Accordingly, Applicant requests that the outstanding rejections be withdrawn and that claim 1 be allowed.

Claims 2, 3, and 6-11 depend directly or indirectly from independent claim 1. These claims are therefore allowable for at least the same reasons for which independent claim 1 is allowable. In addition, each of claims 2, 3, and 6-11 recites unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable.

Regarding the rejection of claim 11 over Richardson in view of Palmeri and Klaassen and Perry in view of Klaassen, claim 11 depends on claim 1. Therefore, Applicant asserts that claim 11 is also allowable over Perry, Richardson, and Palmeri for at least the reasons described above with respect to claim 1. Furthermore, Klaassen

does not cure the deficiencies of Perry, Richardson, and Palmeri. Klaassen also does not disclose or suggest, among other things, "said interface module connecting portion being configured to be pivotally connected directly to said at least one armrest... such that, in said retracted position, said interface module working portion is at least partially concealed by said at least one armrest," as set forth in independent claim 1. Klaassen teaches a driver seat 1 with elbow rests 6, 7 and a control lever 51, 51' connected to columns 4, 5, which are connected to each elbow rest 6, 7 (Klaassen, col. 2, ll. 1, 4, col. 3, ll. 61-63, and col. 4, ll. 26-28). However, Klaassen does not disclose an interface module connecting portion that is configured to be pivotally connected directly to the elbow rests 6, 7 or that the control lever 51, 51' is at least partially concealed by the elbow rests 6, 7.

Applicant also requests that new claims 15-21 be entered. New claims 15-21 are allowable at least due to their dependency on independent claims 12 and 13, which have been allowed. In addition, each of claims 15-21 recites unique combinations that are neither taught nor suggested by the cited art, and, therefore, each is also separately patentable.

The Office Action contains characterizations of the claims and the prior art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, and drawings in this Reply, it is to be understood that Applicant is in no way intending to limit the scope of the claims to an exemplary embodiment described in the specification or abstract and/or shown in the

drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

If the Examiner believes a telephone conversation might advance prosecution, the Examiner is invited to call Applicant's undersigned agent at 202-408-4129.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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Dated: May 7, 2007

By: 
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